

Request to City Council for the City of Ingleside, Texas

Subject: Ordinance for pre-payment of gasoline / motor fuel prior to dispensing.

Submitted By: Stan Bynum, Chief of Police & Jim Gray, City Manager

Date Submitted To City Manager: 12-2-2014

For The Agenda of: 12-16-2014

Attachments: 1) Pre-Pay ordinance codified as Ch.38 Art. IV Sec.38-50 through 38-55
2) Letters of support from all 8 gasoline/fuel retailers within the city.
3) CAD call sheet support documents for 88 gas drive off offenses 2013-to present

Approved By City Manager: _____

Summary Statement: While gasoline drive-off thefts have decreased somewhat in recent years, there are still significant resources expended to answer calls, investigate and complete paperwork involving gas drive-offs from fuel dispensing retailers. The simplest and most cost effective solution as all surrounding cities in the area have done is to require retailers to collect pre-payment before dispensing gasoline or diesel fuel.

A written (attached) business survey of all 8 fuel retailers in the city was conducted, and all of them unanimously supported adoption of a city wide ordinance requiring pre-payment prior to dispensing motor fuel.

Recommended Action: Passage of motor fuel pre-pay ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF INGLESIDE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF INGLESIDE BY UPDATING REFERENCES TO LAWS AND STATUTES NOW CODIFIED IN VERNONS TEXAS CODES ANNOTED; BY ADDING TO CHAPTER 38 "OFFENSES AND MISCELLANEOUS PROVISIONS" A NEW ARTICLE IV CHAPTER 38-50 THOUGH CHAPTER 38-55. "PREPAYMENT FOR GASOLINE AND DIESEL FUEL" TO PROHIBIT AN OWNER, EMPLOYEE, OR MANAGER/SUPERVISOR OF A RETAIL FUEL BUSINESS FROM ACTIVATING A PUMPING DEVICE TO DISPENSE GASOLINE OR DIESEL FUEL FROM A PUMPING DEVICE WITHOUT RECEIVING PREPAYMENT FOR SUCH GASOLINE OR DIESEL FUEL; PROVIDING A PENALTY NOT TO EXCEED \$500 FOR VIOLATIONS; PROVIDING A DEFENSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a significant number of motorists are driving into business establishments in the City of Ingleside having gasoline and/or diesel fuel pumps located thereon, filling their vehicles and/or containers with gasoline and/or diesel fuel and thereafter immediately driving off without paying for same; and

WHEREAS, for the year 2013-2014 to date, the City of Ingleside crime statistics showed approximately 88 reported thefts as a result of drive offs without paying for gasoline and/or diesel fuel; and

WHEREAS, the time spent by the City of Ingleside Police Department investigating these theft reports detracts from proactive policing opportunities in regard to other community matters and time better spent investigating and/or preventing more serious crimes; and

WHEREAS, the frequency of these crimes results in real and significant costs that are borne by businesses and citizens in the City of Ingleside; and

WHEREAS, these crimes seriously and significantly adversely impact revenues of owners of those business establishments in the City of Ingleside involving the same gasoline and/or diesel fuel; and

WHEREAS, the Ingleside City Council finds that gasoline and/or diesel fuel thefts are of serious concern, and should be eliminated to the greatest extent possible,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS:

Article IV Pre-Payment for Gasoline and Diesel Fuel

That Chapter 38 “Offenses and Miscellaneous Provisions”, Article IV. “Prepayment of Gasoline and Diesel Fuel”, is hereby added to wit: ***Cross references:** ch. 14; health and sanitation, ch. 54. **State law references:** Municipality may not enact or enforce law already addressing conduct covered under state Penal Code as offense subject to criminal penalty, V.T.C.A., Civil Practice and Remedies Code § 125.001 et seq.; preemption of criminal offenses by Penal Code, V.T.C.A., Penal Code § 1.08; municipal public health powers, V.T.C.A., Health and Safety Code § 122.006; abatement of health nuisances, V.T.C.A., Health and Safety Code § 341.011 et seq.

Section 38-50. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means person(s) other than the owner or manager/supervisor employed to perform services on the premises of a retail fuel business who have no supervisory responsibilities.

Manager/supervisor means the person(s) granted authority or responsibility by the owner for the operations of the retail fuel business.

Owner means the individual, group, corporation, partnership, joint venture, or other group or entity that owns a retail fuel business.

Payment means payment by any legal means including cash, credit card, debit card, check or otherwise. Presenting a form of payment to be finalized at the conclusion of the transaction shall be considered payment in full.

Section 38-51. Prepayment required for gasoline or diesel fuel dispensed at a retail fuel business; offense; defense.

- a) It shall be unlawful for a retail fuel business owner, manager/supervisor, or employee to knowingly:
 - 1. Activate any gasoline or diesel fuel pumping device prior to receiving payment in full for the gasoline or diesel fuel.
 - 2. Allow or permit any person to dispense gasoline or diesel fuel from a pumping device at a retail fuel business unless the person has first made payment in full.
 - b) It shall be a defense if the owner, manager/supervisor or employee of a retail fuel business allows the dispensing of gasoline or diesel fuel for repair and/or testing of the dispensing devices used by the retail fuel business.
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Section 38-52. PENALTY

Any business owner, manager/supervisor, or employee who violates any provision of this ordinance shall be subject to a fine of not more than \$500 for each offense.

Section 38-53. REPEALER

This ordinance shall be cumulative of all provisions of ordinances of the City of Ingleside, Texas, except when the provisions of this ordinance are in direct conflict with other provisions of such ordinances, in which event the conflicting provisions of other such ordinances are hereby repealed.

Section 38-54. SEVERABILITY

It is the intention of the City Council of the City of Ingleside that if any phrase, sentence, section or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

Section 38-55. EFFECTIVE DATE

This ordinance shall be in full force and effect as soon as all necessary publication requirements have been met.

APPROVED and PASSED on first reading this the ____ day of _____ 20__.

CITY OF INGLESIDE, TEXAS

Peter Perkins, Mayor

ATTEST:

Kimberly Drysdale, City Secretary

APPROVED, PASSED and ADOPTED on second reading this the ____ day of _____
20__.

CITY OF INGLESIDE, TEXAS

Peter Perkins, Mayor

ATTEST:

Kimberly Drysdale, City Secretary

First reading date: _____

Second reading date: _____

Publication date: _____



Ingleside Police Department

2425 8th Street
P.O. Drawer 910
Ingleside, Texas 78362
Phone: (361) 776-2531

In order to better serve our residents and businesses, the Ingleside Police Dept. is conducting a survey to determine if businesses that sell gasoline and/or motor fuel would support a city wide pre-pay ordinance requiring payment prior to dispensing fuel as most other cities in the area already do. Thank You for your assistance with this survey.

The management of Hripes ☒ **would** support ☐ **would not** support
(Name of Store or Merchant)
a city wide ordinance requiring pre-pay of motor fuels before dispensing.

Jeffrey Reed
Managers Name (printed)

12-1-14
Date

[Signature]
Signature



Ingleside Police Department

2425 8th Street
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The management of Sam's Stop 1 ☒ **would** support ☐ **would not** support
(Name of Store or Merchant)
a city wide ordinance requiring pre-pay of motor fuels before dispensing.

Kathryn Weaver
Managers Name (printed)

12/1/14
Date

Kathryn Weaver
Signature



Ingleside Police Department

2425 8th Street
P.O. Drawer 910
Ingleside, Texas 78362
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The management of STAMPES 2146 ☒ **would** support ☐ **would not** support
(Name of Store or Merchant)
a city wide ordinance requiring pre-pay of motor fuels before dispensing.

Bochelle Green
Managers Name (printed)

12-1-14
Date

Bochelle Green
Signature



Ingleside Police Department

2425 8th Street
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Ingleside, Texas 78362
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The management of Snappy West ☒ would support ☐ would not support
(Name of Store or Merchant)
a city wide ordinance requiring pre-pay of motor fuels before dispensing.

Lori Abundez
Managers Name (printed)

[Signature]
Signature

12/1/14
Date



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The management of HEB ☒ would support ☐ would not support
(Name of Store or Merchant)
a city wide ordinance requiring pre-pay of motor fuels before dispensing.

Melissa Harris
Managers Name (printed)

12/1/14
Date

Melissa Harris
Signature



Ingleside Police Department

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The management of Conoco BVE Interprize ☒ would support ☐ would not support
(Name of Store or Merchant)
a city wide ordinance requiring pre-pay of motor fuels before dispensing.

PAULA STEELE
Managers Name (printed)

12-1-14
Date

Paula Steele
Signature



Ingleside Police Department

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Ingleside, Texas 78362
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The management of Snappy's TA-V ☒ would support ☐ would not support
(Name of Store or Merchant)
a city wide ordinance requiring pre-pay of motor fuels before dispensing.

Ali
Managers Name (printed)

12/1/14
Date

ZLL
Signature

City of Ingleside Police Department



CAD CALLS-FOR-SERVICE QUERY LIST

EVENT CALL TYPE GDO APT UNIT RP NAME KEYWORD Related Unit Search Criteria UNIT FINAL TYPE		CASE FINAL TYPE CITY DISPOSITION PHONE UNIT DISPO OFFICER ID		DATE 01/01/2013 to 12/01/2014 LOCATION LOC CMT RESPONSE AREA ADDRESS AGENCY DISPO COMMENT STATUS		AGENCY # ZONE	
DATE	EVENT	AGENCY#	CASE NO	TYPE	LOCATION	APT	FINAL TYPE ZONE
01/09/13 16:40	1301090047 Reporting Party	SHARRITF, SHERYL		GDO	2589 HWY 361		
01/13/13 21:15	1301130033 Reporting Party	MONTGOMERY, SHEWNNA		GDO	2686 MAIN ST N		
01/21/13 13:17	1301210042 Reporting Party	CHERYL		GDO	2589 HWY 361		
01/23/13 18:45	1301230074 Reporting Party	REAL, TIFFANY		GDO	2616 HWY 361		
01/28/13 07:23	1301280026 Reporting Party	NORTON, JAMES		GDO	2686 MAIN ST N		
01/29/13 20:12	1301290062 Reporting Party	CHERYL		GDO	2589 HWY 361		
02/01/13 18:17	1302010070 Reporting Party	REAL, TIFFANY		GDO	2616 HWY 361		
02/08/13 04:36	1302080021 Reporting Party	BRETT		GDO	2686 MAIN ST N		
02/28/13 07:53	1302280029 Reporting Party	CONRAD, ASLIA		GDO	2616 HWY 361		
03/25/13 19:06	1303250085 Reporting Party	HUBBARDT, JENNIFER		GDO	4TH AND MAIN		
03/30/13 17:57	1303300061 Reporting Party	ERICA	1300274	GDO	2589 HWY 361		
04/03/13 19:55	1304030073 Reporting Party	KARRIE		GDO	2686 MAIN ST N		
04/11/13 00:26	1304110002 Reporting Party	HUBBART, JENNIFER		GDO	2686 MAIN ST N		
04/23/13 19:58	1304230058 Reporting Party	HUBBARTT, JENNIFER		GDO	2686 MAIN ST N		
04/26/13 07:03	1304260028 Reporting Party	ROUTH, JEREMY		GDO	2589 HWY 361		
05/09/13 13:51	1305090047 Reporting Party	HOUSTON, SHARON		GDO	2589 HWY 361		
05/11/13 06:41	1305110023 Reporting Party	ROUCH, JEREMY		GDO	2589 HWY 361		
05/13/13 20:47	1305130086 Reporting Party	HAVENS, KERRY		GDO	2686 MAIN ST N		
05/17/13 16:08	1305170065 Reporting Party	ESCAVEL, ERICA		GDO	2589 HWY 361		
06/09/13 20:50	1306090063 Reporting Party	JAMES		GDO	2589 HWY 361		
06/12/13 09:40	1306120040 Reporting Party	MONTGOMERY, CHAYNNA		GDO	2686 MAIN ST N		
06/16/13 20:17	1306160053 Reporting Party	BRITTNEY		GDO	2589 HWY 361		
06/17/13 00:53	1306170003 Reporting Party			GDO	2583 HWY 361		
06/22/13 17:11	1306220088 Reporting Party	ERICA		GDO	2589 HWY 361		

City of Ingleside Police Department



CAD CALLS-FOR-SERVICE QUERY LIST

DATE	EVENT	AGENCY#	CASE NO	TYPE	LOCATION	APT	FINAL TYPE ZONE
07/10/13 18:20	1307100070			GDO	2686 MAIN ST N		
	Reporting Party	JENNIFER					
07/16/13 18:26	1307160085			GDO	2589 HWY 361		
	Reporting Party	STRIPES, JAMES					
07/25/13 15:00	1307250057			GDO	2686 MAIN ST N		
	Reporting Party	SMITH, SHANNON					
07/25/13 15:03	1307250058			GDO	2616 HWY 361		
	Reporting Party	SIMMONS, MARVIN					
07/27/13 11:47	1307270055			GDO	2686 MAIN ST N		
	Reporting Party	MESSMER, ALVIN STRIPES EMPLOYEE					
08/10/13 06:53	1308100033			GDO	2589 HWY 361		
	Reporting Party	ROUTH, JERMEY					
08/20/13 11:56	1308200040			GDO	2589 HWY 361		
	Reporting Party	GREENE, ROCHELLE					
08/20/13 14:25	1308200044		1300798	GDO	2589 HWY 361		
	Reporting Party	BARRETT, JAMES					
08/21/13 06:40	1308210020			GDO	2589 HWY 361		
	Reporting Party	ROUTH, JEREMY					
08/21/13 08:07	1308210025			GDO	2589 HWY 361		
	Reporting Party						
08/24/13 23:50	1308240067			GDO	2589 HWY 361		
	Reporting Party	MADDOX, BIRTNEY					
09/04/13 07:57	1309040048			GDO	2589 HWY 361		
	Reporting Party	RANDELL, PAM					
09/28/13 09:49	1309280047			GDO	HWY 361 AND MAIN ST		P
	Reporting Party	MAYES, DORRIS					
10/04/13 21:44	1310040078			GDO	2616 HWY 361		
	Reporting Party	REAL, TIFFANY					
10/16/13 15:04	1310160073			GDO	2589 HWY 361		
	Reporting Party	DEANNA					
10/17/13 08:02	1310170055			GDO	2589 HWY 361		
	Reporting Party	WALL, DAVID					
10/17/13 08:29	1310170057			GDO	2589 HWY 361		
	Reporting Party	WALL, DAVID					
10/18/13 09:19	1310180059			GDO	2686 MAIN ST N		
	Reporting Party	REED, JEFFERY					
10/19/13 14:16	1310190052			GDO	2616 HWY 361		
	Reporting Party	SIMMONS, MARVIN					
10/24/13 14:20	1310240085			GDO	2589 HWY 361		
	Reporting Party	ROUTH, JEREMY					
11/05/13 13:04	1311050075			GDO	2589 HWY 361		
	Reporting Party	MAYES, DORIS					
11/10/13 00:46	1311100003			GDO	2589 HWY 361		
	Reporting Party	ROUCH, JEREMY					
11/19/13 07:22	1311190041			GDO	2589 HWY 361		
	Reporting Party	PAM					
11/30/13 17:50	1311300075			GDO	2589 HWY 361		
	Reporting Party						
11/30/13 17:55	1311300076			GDO	2589 HWY 361		
	Reporting Party	ELIZABETH, STRIPES					
12/10/13 18:57	1312100102			GDO	2589 HWY 361		
	Reporting Party	REAZES, ELIZABETH					
12/14/13 07:24	1312140037			GDO	2616 HWY 361		
	Reporting Party	SIMMONS, MARVIN					
12/14/13 13:31	1312140042			GDO	2616 HWY 361		
	Reporting Party	SIMMONS, MARVIN					
12/16/13 09:40	1312160054			GDO	2616 HWY 361		
	Reporting Party	FROMER, DEBRA					

City of Ingleside Police Department



CAD CALLS-FOR-SERVICE QUERY LIST

DATE	EVENT	AGENCY#	CASE NO	TYPE	LOCATION	APT	FINAL TYPE ZONE
01/03/14 11:07	1401030040			GDO	2686 MAIN ST N		
	Reporting Party	ALVIN, STORE CLERK					
01/16/14 18:38	1401160093			GDO	2589 HWY 361		
	Reporting Party	REAVES, ELIZABETH					
02/05/14 17:35	1402050077			GDO	2686 MAIN ST N		
	Reporting Party	RAMIREZ, MARISSA					
02/19/14 18:16	1402190060		1400169	GDO	2616 HWY 361		
	Reporting Party	SIMMONS, MARVIN					
03/17/14 17:49	1403170094			GDO	2589 HWY 361		P
	Reporting Party	MORIN, AMBER					
04/07/14 09:52	1404070051			GDO	2616 HWY 361		
	Reporting Party	PFROMER, DEBBRA					
04/10/14 05:59	1404100017			GDO	2686 MAIN ST N		
	Reporting Party	NORTH, JAMES					
04/10/14 11:01	1404100037		1400314	GDO	2616 HWY 361		
	Reporting Party	HEB, DIANE					
04/18/14 04:22	1404180016			GDO	2589 HWY 361		
	Reporting Party	JEREMY					
04/18/14 10:01	1404180030			GDO	2589 HWY 361		
	Reporting Party	REAVES, ELIZABETH					
05/02/14 12:54	1405020082			GDO	4TH AND MAIN		
	Reporting Party	STRIPES, JENNIFER					
05/25/14 20:42	1405250061		1400480	GDO	2616 HWY 361		
	Reporting Party	RODRIGUEZ, PAUL					
06/03/14 07:14	1406030026			GDO	2686 MAIN ST N		
	Reporting Party	NORTON, JAMES					
06/21/14 15:16	1406210060			GDO	2589 HWY 361		
	Reporting Party	MADDOXX, BRITTANY					
06/23/14 13:48	1406230048			GDO	2589 HWY 361		
	Reporting Party	KAYLYNN					
06/24/14 18:04	1406240063			GDO	2686 MAIN ST N		
	Reporting Party	JENNIFER					
06/29/14 06:01	1406290035			GDO	2589 HWY 361		
	Reporting Party	RANDALL, PAM					
07/08/14 19:23	1407080074			GDO	2686 MAIN ST N		
	Reporting Party	HUBBARTT, JENNIFER					
07/12/14 14:39	1407120039			GDO	2616 HWY 361		
	Reporting Party	RODRUEZ, PAUL					
07/16/14 07:07	1407160031			GDO	2686 MAIN ST N		
	Reporting Party	REED, JEFFERY					
07/19/14 06:56	1407190055			GDO	2686 MAIN ST N		
	Reporting Party	JAMES					
08/01/14 10:41	1408010059			GDO	2616 HWY 361		
	Reporting Party	ROSEBERRY, DIANE					
08/02/14 16:23	1408020057			GDO	2589 HWY 361		
	Reporting Party	MADDOX, BRITTANY					
08/02/14 16:48	1408020058			GDO	2616 HWY 361		
	Reporting Party	SOLIS, LEANNA					
08/14/14 18:17	1408140063			GDO	2616 HWY 361		
	Reporting Party	SIMMONS, MARVIN					
08/20/14 21:30	1408200063			GDO	2589 HWY 361		
	Reporting Party	VALERIE					
08/28/14 05:52	1408280014			GDO	2686 MAIN ST N		
	Reporting Party	HERNANDEZ, RAUL					
08/31/14 17:45	1408310065			GDO	2616 HWY 361		
	Reporting Party	RODRIGUEZ, PAUL					
10/04/14 04:05	1410040025			GDO	2589 HWY 361		
	Reporting Party	PARKS, CAMERON					

City of Ingleside Police Department



CAD CALLS-FOR-SERVICE QUERY LIST

DATE	EVENT	AGENCY#	CASE NO	TYPE	LOCATION	APT	FINAL TYPE ZONE
10/04/14 12:51	1410040057			GDO	2589 HWY 361		
	Reporting Party	DORIS MAYESD					
10/11/14 16:10	1410110063			GDO	2589 HWY 361		
	Reporting Party	GABRIEL, ROMAN					
10/30/14 07:06	1410300033			GDO	2589 HWY 361		
	Reporting Party	ROMAN					
11/01/14 07:05	1411010053			GDO	2686 MAIN ST N		
	Reporting Party	HUBBARTT, JENNIFER, CLERK					
11/07/14 19:10	1411070070			GDO	2686 MAIN ST N		
	Reporting Party	MADDOX, BRITTANY					
12/01/14 09:20	1412010035			GDO	2589 HWY 361		
	Reporting Party	RANDALL, PAM					

TOTAL CALLS: 88